

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANCIS MILLET	:	CIVIL ACTION
	:	
v.	:	
	:	
TROY RICE, <u>et al.</u>	:	NO. 05-4743

O R D E R

AND NOW, this day of September, 2005, having considered plaintiff's civil rights complaint and incomplete motion to proceed in forma pauperis,¹ IT IS HEREBY ORDERED that:

(1) Plaintiff's motion to proceed in forma pauperis is DENIED without prejudice;

(2) Pursuant to 28 U.S.C. § 1391(b), plaintiff may not bring this civil action in this Court;²

(2) Plaintiff may reassert this civil action in the United States District Court for the Middle District of Pennsylvania, where venue appears to be properly laid according to the facts alleged in this complaint;

1. Plaintiff has failed to furnish a certified inmate account statement for the six-month period prior to the filing of this complaint, as required by 28 U.S.C. § 1915.

2. Because plaintiff's claims arose at SCI-Retreat, which is located in the Middle District of Pennsylvania, and because it does not appear that any defendant in this civil action resides in the Eastern District of Pennsylvania, plaintiff's complaint may not be brought in the United States District Court for the Eastern District of Pennsylvania.

(3) The Clerk of Court shall retain the original records filed in this case and forward copies of these records to the plaintiff with this order; and

(4) The Clerk of Court shall CLOSE this case statistically.

BY THE COURT:

/S/ ROBERT F. KELLY, J.
